

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CDX GAS, LLC,

Plaintiff,

v.

Civil Action No. 1:07CV127  
(STAMP)

CFS FARMS, LLC,  
a West Virginia limited  
liability company and  
CLARENCE S. FIBER, as manager  
of CFS Farms LLC and in  
his individual capacity,

Defendants.

**ORDER SCHEDULING HEARING ON PLAINTIFF'S RENEWED  
MOTION FOR A PRELIMINARY AND PERMANENT INJUNCTION**

On January 22, 2008, the plaintiff, CDX Gas, LLC, filed a renewed motion seeking a preliminary and permanent injunction requiring the defendants, CFS Farms, LLC ("CFS Farms"), and Clarence S. Fiber ("Fiber"), to allow the plaintiff on CFS Farms' property to drill for coal bed methane gas.<sup>1</sup> This Court finds that a hearing should be scheduled to consider the motion. Accordingly, it is ORDERED that the parties, by counsel, appear before the Court on **February 6, 2008 at 10:00 a.m.** in the District Courtroom at the Clarksburg point of holding court, 500 West Pike Street,

---

<sup>1</sup> On September 18, 2007, the plaintiff filed a motion for a temporary restraining order and for a preliminary and permanent injunction to require the defendants to allow the plaintiff to enter defendant CFS Farms' property for the purpose of surveying the land. After the plaintiff effected service on both defendants, this Court scheduled a hearing on the matter for September 28, 2007. Before the hearing date, the parties agreed to allow the plaintiff onto the property to survey the land. Upon a motion by the plaintiff, this Court vacated the hearing.

Clarksburg, West Virginia 26302. Further, the defendants shall file a response to the plaintiff's motion on or before **February 1, 2008.**

This Court observes that the plaintiff served S. Sean Murphy, Esq., with a copy of its motion for a preliminary and permanent injunction, identifying him on its certificate of service as "Counsel for Defendant." As of the date of this order, Mr. Murphy has not filed an appearance with this Court in this matter. Therefore, if Mr. Murphy represents one or both defendants, he shall file an appearance in this matter on or before **February 1, 2008**, indicating the party or parties he represents, or if represents neither defendant, he shall promptly inform this Court.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein and to S. Sean Murphy, Esq., 265 High Street, Suite 601, Morgantown, West Virginia 26505.

DATED: January 25, 2008

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE